

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**CLYDE LONG,**

**Plaintiff,**

**v.**

**Case No. 3:07-cv-340  
Judge Thomas M. Rose**

**ROBERT GATES, Secretary of Defense,**

**Defendant.**

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**ORDER DIRECTING PARTIES TO SUBMIT BRIEFS**

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This Court has an ongoing duty under Fed. R. Civ. P. 12(h)(3) to review its subject-matter jurisdiction *sua sponte*. *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999); *Curry v. U.S. Bulk Transport, Inc.*, 462 F.3d 536, 539-41 (6th Cir. 2006).

The parties are hereby directed to submit briefs discussing the applicability of *Thompson v. North American Stainless, LP*, 2009 U.S. App. LEXIS 12100, 2009 WL 1563443, 2009 FED App. 0202P (6th Cir. Jun. 5, 2009), to this case.

Briefs must be submitted within 21 days (on or by July 2, 2009). Parties are then invited to file responsive briefs within 10 additional days (on or by July 17, 2009).

**DONE and ORDERED** this Eleventh day of June, 2009.

**/s/ Thomas M. Rose**

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**THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE**